



Steven L. Beshear
Governor

PERSONNEL CABINET
501 High Street, 3rd Floor
Frankfort, Kentucky 40601
Phone (502) 564-7430
Fax (502) 564-7603
www.personnel.ky.gov

Tim Longmeyer
Secretary

MEMORANDUM

TO: Human Resources Executives

FROM: Mary Elizabeth Bailey, Commissioner
Department of Human Resources Administration

A handwritten signature in cursive script that reads "Mary Elizabeth Bailey".

DATE: November 12, 2014

SUBJECT: Tobacco-Free Policy Guidance for Agencies

Executive Order 2014-747 and Personnel Memo 14-18, ban the use of any tobacco products or electronic cigarettes/vaping devices on any and all properties owned, leased, or contracted for use by the Executive Branch of the Commonwealth of Kentucky effective November 20, 2014. Beginning November 20, 2014, employees and the public are expected to adhere to this policy. The information below will assist HR executives, supervisors, and managers with the implementation and enforcement of the policy.

MANAGEMENT EXPECTATIONS

Managers and supervisors are responsible for enforcing the tobacco-free policy. The first step is ensuring that all employees are properly notified of the policy.

➤ **Employee Notice:**

- Executive order: On September 4, 2014, Governor Beshear signed the executive order, and the Personnel Cabinet released Personnel Memo 14-18. All employees should have received an email notification from Personnel Cabinet Secretary, Tim Longmeyer. Agencies must ensure that employees have received a copy of the employee notice. Tobacco-free communications, plus FAQs, and quitting resources, can be found at <http://tobacco-free.ky.gov>.
- Acknowledgement form: The [tobacco-free policy acknowledgement form](#) should be utilized by all agencies during the employee performance planning period in January 2015. Agencies must plan to meet with employees, not eligible to participate in the evaluation system, during that same time frame to obtain their acknowledgement outside the evaluation process. Agencies then will keep the signed forms in the agency's employee personnel files. Agencies must certify to the Personnel Cabinet's Commissioner of the Department of Human Resources Administration when all employees have signed the form. Additionally, new employees (hired on or after

September 4, 2014) should receive information on the tobacco-free policy during the onboarding/orientation process. The Personnel Cabinet will continue to remind employees of the policy's effective date through various communications.

➤ **Employee Enforcement:**

- Just as was done when state government buildings went smoke-free, and like any new policy that may affect employees' daily habits, managers should work with employees to become familiar with the policy. Management should address policy violations either upon personally witnessing the incident or receiving a report of an incident. At the time of the incident management should notify the employee of the tobacco-free policy and, if not already delivered, present the tobacco-free policy acknowledgement form for signature. If an employee violates the tobacco-free policy, after having signed the acknowledgement form, the agency may begin to follow its internal process for progressive discipline.

As in all potential disciplinary actions, these decisions rest with the discretion of the agency's appointing authority. The Personnel Cabinet recommends that the continued violation of the tobacco ban be treated similarly to all other policy violations. Therefore, an agency should consider the nature of the violation, any repetitive violations, and all other circumstances. Agencies also should handle these internal matters as consistently as possible. Progressive discipline might include a reminder and the execution of the policy document, a written reprimand for repeated violations, and then continued discipline as warranted.

- **Employee Breaks, Meals and Rest Periods**
Policies surrounding breaks (meal and rest periods) should not change as a result of this policy. If employees signed-out for breaks prior to the policy taking effect, it is fine to continue that practice; however, agencies should not begin using sign-out procedures due to the policy. Furthermore, an agency should not give additional time to tobacco users in order for them to leave state property to utilize the banned products.

EMPLOYEE EXPECTATIONS

Employees are expected to not use tobacco products on state property after November 20, 2014. Like any other state policy, employees may notify their manager or supervisor when observing a violation of the policy. Employees can also offer a friendly reminder to the tobacco user and may also feel comfortable pointing out a posted notice of the policy.

FACILITIES EXPECTATIONS

Agency Building Contacts

Each state office building and each agency within each building should have a manager, supervisor, or appointing authority who serves as an agency building contact. Agency building contacts are often called or emailed for various building related questions and directives. Agency building contacts may expect to receive communications from front desk staff or building managers regarding the tobacco-free policy. Like all other building policy violations, agency building contacts are responsible for communicating information about the policy or a reported violation to the appropriate manager, supervisor, appointing authority, or in accordance with current building procedures.

Front Desk and Building Managers

Managers and supervisors are responsible for enforcing this policy. However, as this policy pertains to state property, it is reasonable to expect building staff, who handle other building issues, to notify violators of the tobacco-free policy and feel comfortable pointing out a posted notice of the policy. Building staff should be responsible for helping employees and visitors be aware of the policy, and if necessary report repeated or significant violations in accordance with current building procedures. Employee violations should be reported to managers, supervisors, or the above-mentioned building contacts. Visitors who refuse to follow the policy should be reported to facilities security officers.

Facilities Security Officers

Facilities security will provide forthcoming guidance to facilities security officers.

Leased Multi-Tenant Buildings

The ban applies to the inside of all leased properties; however, if you share a property with multiple tenants that are not state entities, the ban does not apply outside, unless other landlord rules, local laws, or property policies prohibit the use of tobacco.

Signs

The Finance Cabinet, Department of Facilities and Support Services (DFSS) will provide permanent building stickers. Permanent signs will also be posted at entrances to parking areas and driveways.

Maps

The Finance Cabinet has provided boundary maps of major properties owned, leased or contracted for use by the Executive Branch of the Commonwealth of Kentucky, for which this policy should be enforced. A complete list of these maps can be found at <http://tobacco-free.ky.gov> under the FAQs.

Exceptions

A list of properties exempt from this policy can be found by reviewing the executive order at <http://tobacco-free.ky.gov>.

Smoke Poles

In support of this policy, smoke poles (outside containers for cigarettes) will be removed from state property. Department of Facilities and Support Services (DFSS) is responsible for removing smoke poles.

TOBACCO-FREE RESOURCES

Policy Reminder Script

The following script may be used to remind an employee or visitor of the tobacco ban:

"Hello. You may not be aware, but tobacco products and electronic cigarettes can no longer be used on state property. Employees and visitors are required to leave the property before using these products."

FAQs

FAQs provided on <http://tobacco-free.ky.gov> were developed in an effort to predetermine and address questions that will likely arise with the implementation of this policy. The FAQs should

serve as your best resource in assisting employees through this transition and will be updated as needed.

Tobacco Cessation Resources

The Kentucky Employees' Health Plan (KEHP) and other tobacco cessation resources are provided on the <http://tobacco-free.ky.gov>. If an employee or someone you know would like help quitting please direct them to the resources listed.

QUESTIONS

Employee Questions

Employees should be directed to contact their manager, supervisor or agency HR office with questions.

Manager and Supervisor Questions

Managers and supervisors who have questions should contact their agency HR executive or appointing authority.

HR Executive and Appointing Authority Questions

HR executives and appointing authorities who have questions should contact Department of Human Resources Administration, Commissioner Mary Elizabeth Bailey, at MaryE.Bailey@ky.gov.

Facilities and Signage Questions

For any property, building, tenant, or lessor questions, including questions about temporary and permanent signage, please contact the Department of Facilities and Support Services (DFSS) Commissioner, Sam Ruth, 502-564-0402 or Sam.Ruth@ky.gov.

Potential Public Questions/Complaints

Questions or complaints from the public may arise at times. The responses to these inquiries will vary based upon the nature of the issue. If, for example, a nearby business owner has complaints about the use of their facility due to the tobacco ban on state property, these complaints should be forwarded to the HR executive or appointing authority. HR executives are encouraged to be respectful when handling these complaints, and should also send out reminders to employees to be respectful and compliant with the rights of private property owners. If the complaint is not immediately resolved, HR executives should also provide notice of the receipt of these complaints to the Personnel Cabinet for monitoring purposes. Please contact the Department of Human Resources Administration Commissioner, Mary Elizabeth Bailey, at MaryE.Bailey@ky.gov.